

**Amendment to the Drawings**

The attached drawing sheet includes changes to Fig. 1. This sheet, which includes Figs. 1 and 2, replaces the previous replacement sheet submitted with the February 16, 2010 Amendment. In Fig. 1, reference number 40 is added to identify the aerosol can.

Attachment: Replacement Sheet

## **REMARKS/ARGUMENTS**

### **Drawings**

Fig. 1 is amended to include reference number 40 for the aerosol can. This addresses the Office Action's issue concerning the aerosol can in claims 22 and 27.

The Office Action indicates that the "body containing a propellant and an aerosol product," "valve" and "nozzle" variously recited in claims 1, 22, 27 and 29 are not shown in the drawings. As indicated below, the claims are either canceled or amended to remove the relevant terms. Thus, these drawing objection are moot.

### **Claims**

Claims 1-28 were pending at the time of the Office Action. Claims 2-7, 9-20 and 23-26 are currently withdrawn.

Claims 1, 8 and 21 are cancelled in this Amendment. Thus any objections to these claims are no longer at issue.

Claim 22 is amended to clarify that the rotatable cylindrical element comprises a non-symmetrical cone-shaped portion. Support for this amendment is found at page 12, lines 15-32, of the originally filed specification describing Fig. 4. Also, the term "slightly" is removed from the claim.

Claim 27 is amended to recited an aerosol can comprising a spray head according to claim 22.

Claim 28 is amended to clarify that the aerosol can comprises a material to be sprayed selected from the group of previously recited materials.

Claim 29 is amended to remove references to propellant, aerosol product, valves and the term "slightly." In addition, as in claim 22, claim 29 is amended to clarify that the rotatable cylindrical element comprises a non-symmetrical cone-shaped portion.

### Objection to Claim 8 and 29

The Office Action objected to claims 8 and 29 as being substantially duplicates. Claim 8 is now canceled, thus removing this objection.

### Section 112, First Paragraph

The objection to claims 27 and 28 under written description for the inclusion of “nozzle” is no longer an issue since the term “nozzle” is removed from these claims.

### Section 112, Second Paragraph

Claim 8 is canceled, so the Section 112, second paragraph objections to this claim are moot.

The term “slightly” is removed from claims 22 and 27-29. Thus, the Section 112 objections regarding this term are moot.

The objected to phrase “which serves to deliver....valve” is removed from claim 27. Also, the term “nozzle” is removed from this claim. Thus, the Section 112 objections regarding these terms are moot.

### Section 102 and 103

The rejection of claims 22 and 27-29 as anticipated or obvious in view of Martini (U.S. Patent No. 3,961,756) is respectfully traversed.

Claims 22 and 27-29 currently recite an adjustment device comprising a non-symmetrical cone-shaped portion. Nothing in Martini suggests such a device. Martini describes a spray mechanism in Figure 3 that is neither non-symmetrical nor cone-shaped. Although Martini describes other ways to generate swirling or spinning effects such as with holes or bores (col. 2, ll. 33-46), Martini says nothing about the specific pattern or arrangement of the holes or bores, nor mentions anything about a cone-shaped spray mechanism. Because Martini fails to indicate or suggest all features of the claims, claims 22 and 27-29 are neither anticipated nor obvious.

In view of the foregoing amendments and remarks, Applicant submits that the present claims are in condition for allowance. A Notice of Allowance is therefore respectfully requested.

No fee is believed due. However, the Commissioner is hereby authorized during prosecution of this application and any related appeal, to charge any fees that may be required (except for patent issue fees required under 37 CFR §1.18) or to credit any overpayment of fees to Deposit Account No. 50-3881, under Order No. 7472-104. If an additional extension of time is required in connection with this paper, please consider this a Petition therefor and charge any fees required to Deposit Account No. 50-3881, under Order No. 7472-104

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Respectfully submitted,

/Miles Yamanaka/

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